

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Marvin Reniery VALLEJO-ANDINO

Case No.

Case: 2:24-mj-30059

Assigned To : Unassigned

Assign. Date : 2/20/2024

Description: COMP USA V.
VALLEJO-ANDINO (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 17, 2024 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Title 8, United States Code, Section 1326(a)

Offense Description

Unlawful Re-entry Following Removal from the United States

This criminal complaint is based on these facts:

On or about January 17, 2024, in the Eastern District of Michigan, Southern Division, Marvin Reniery VALLEJO-ANDINO, an alien from Honduras was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about August 22, 2020, at or near Miami, Florida, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

*Complainant's signature*

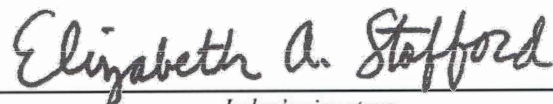
Craig Hunter, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: February 20, 2024

City and state: Detroit, Michigan

*Judge's signature*

Elizabeth Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Craig Hunter, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since January 2022. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Marvin Renieri VALLEJO-ANDINO, which reveal the following:

2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.

3. VALLEJO-ANDINO is a forty-five-year-old citizen and native of Honduras who last entered the United States on an unknown date, at an unknown location without inspection by the U.S. Department of Homeland Security.

4. On or about June 7, 1999, VALLEJO-ANDINO filed an initial Application for Temporary Protected Status (TPS). On or about June 29, 2000, VALLEJO-ANDINO'S application for TPS was approved.

5. On or about June 23, 2009, VALLEJO-ANDINO was arrested by the Houston, TX Police Department and charged with Misdemeanor Evading Arrest or Detention. On or about August 10, 2009, VALLEJO-ANDINO was convicted of the charge and sentenced to three days' confinement.

6. On or about March 19, 2010, VALLEJO-ANDINO was arrested by the Houston, TX Police Department and charged with Misdemeanor Driving While Intoxicated. On or about June 28, 2010, VALLEJO-ANDINO was convicted of the charge and sentenced to one year of probation.

7. On or about April 18, 2012, the U.S. Citizenship and Immigration Services (USCIS) Vermont Service Center withdrew VALLEJO-ANDINO'S application for TPS due to the convictions of two misdemeanor offenses committed within the United States, rendering VALLEJO-ANDINO ineligible for TPS.

8. On or about June 10, 2013, VALLEJO-ANDINO again, filed an application for TPS. On or about August 23, 2013, VALLEJO-ANDINO'S application for TPS was denied because VALLEJO-ANDINO was ineligible.

9. On or about December 13, 2013, USCIS issued a Notice to Appear to VALLEJO-ANDINO.

10. On or about November 14, 2016, VALLEJO-ANDINO was ordered removed from the United States *in absentia* by an Immigration Judge.

11. On or about October 7, 2019, VALLEJO-ANDINO filed an appeal with the Board of Immigration Appeals (BIA).

12. On or about January 13, 2020, VALLEJO-ANDINO'S appeal to the BIA was dismissed.

13. On or about August 22, 2020, VALLEJO-ANDINO was removed from the United States to Honduras, through Miami International Airport, Miami, Florida.

14. On or about December 4, 2023, ICE ERO Detroit, received information that VALLEJO-ANDINO had re-entered the United States and was residing at 6XX Markle Ave. Pontiac, MI and was driving an early 2000's GMC Canyon.

15. On or about January 4, 2024, ICE ERO Detroit conducted surveillance at 6XX Markle Ave. Pontiac, MI and identified a GMC Canyon backed up to the garage at the residence.

16. On or about January 17, 2024, ICE ERO Detroit was conducting surveillance at 6XX Markle Ave. Pontiac, MI. An individual, matching the description of VALLEJO-ANDINO, exited the home, entered a Red Dodge Ram and left the residence. ERO Officers attempted to make a vehicle stop on the Dodge Ram at the intersection of Kennett St. and Markle Ave. The driver attempted to flee as three ICE vehicles with their lights and sirens activated attempted to conduct the traffic stop. The driver attempted to evade law enforcement for several blocks, eventually circling back to 6XX Markle Ave. At that time, the driver was stopped, placed into custody, and positively identified as VALLEJO-ANDINO.

17. On or about January 17, 2024, fingerprint checks confirmed a positive match for Marvin VALLEJO-ANDINO, DOB XX/XX/1978, AXXX XXX 417, an alien previously removed.

18. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

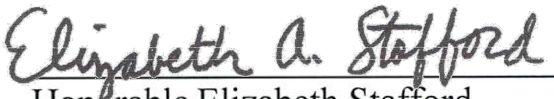
19. A review of immigration records (A #XXX XXX 417) for VALLEJO-ANDINO and queries in U.S. Department of Homeland Security databases reveal that no record exists of VALLEJO-ANDINO obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about August 22, 2020.

20. Based on the above information, I believe there is probable cause to conclude that on or about January 17, 2024, in the Eastern District of Michigan, Southern Division, Marvin VALLEJO-ANDINO, an alien, was found in the United States after having been denied admission, excluded, deported and removed therefrom on or about August 22, 2020, and not having obtained the express permission of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission thereto; all in violation of Title 8, United States Code, Section 1326(a).



Craig Hunter
Deportation Officer

Sworn to before me and signed in my
presence and/or by reliable electronic means



Honorable Elizabeth Stafford
United States Magistrate Judge
Date: February 20, 2024